

In the
Indiana Supreme Court



IN THE MATTER OF THE)

APPROVAL OF LOCAL RULES)

FOR PULASKI COUNTY)

Case No. LS00-1004 -MS- 201

ORDER APPROVING AMENDED LOCAL RULES

The judges of the Pulaski Circuit and Superior Courts request the approval of amended local rules for caseload allocation in accordance with Ind. Administrative Rule 1(E), and appointment of special judges in accordance with Ind. Criminal Rule 13 and Ind. Trial Rule 79. Attached to this Order are the proposed amended local rules.

Upon examination of the proposed rule amendments requested by the Pulaski Circuit and Superior Courts, this Court finds that the proposed rule amendments, LR66-AR1-01, LR66-CR2.2-01, and LR66-CR2.2-02, and LR66-TR79-01, comply with the requirements of Ind. Administrative Rule 1(E), Ind. Criminal Rule 13 and Ind. Trial Rule 79, and accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that Pulaski County Local Rules, LR66-AR1-01, LR66-CR2.2-01, and LR66-CR2.2-02, and LR66-TR79-01, set forth as an attachment to this Order, are approved effective April 15, 2010, provided further that the rules shall be posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website.

The Clerk of this Court is directed to forward a copy of this Order to the Hon. Michael A. Shurn, Pulaski Circuit Court, 112 East Meridian Street, #310, Winamac, IN 46996-1208; the Hon. Patrick B. Blankenship, Pulaski Superior Court, 110 East Meridian Street, #200, Winamac, IN 46996-1208; to the Clerk of the Pulaski Circuit Court; and to the Division of State Court Administration. The Clerk is also directed to post this Order on the Court's website.

The Clerk of the Pulaski Circuit Court is directed to enter this Order and attachment in the Record of Judgments and Orders for the Courts, to post this Order and attachment for examination

by the Bar and the general public, and if available, to publish this Order and attachment on the county clerk's website.

DONE at Indianapolis, Indiana, this 22nd day of April, 2010.

RT Shepard

Randall T. Shepard
Chief Justice of Indiana

LR66-AR1-01**CASELOAD ALLOCATION****(A) CRIMINAL, INFRACTION AND ORDINANCE VIOLATION CASES**

Criminal Cases shall be filed pursuant to LR66-CR2.2-01 (A) through (G). Except as provided in LR66-CR2.2-01 (D), all infraction and ordinance violation cases shall be assigned to the Superior Court.

(B) JUVENILE CASES

All juvenile cases, including paternity cases, shall be assigned to the Circuit Court.

(C) SMALL CLAIMS CASES

All small claims cases shall be filed in the Superior Court.

(D) ALL OTHER CIVIL CASE TYPES

Cases other than those mentioned in the preceding paragraphs may be filed in either Circuit Court or Superior Court, at the discretion of the filing party. However, nothing in this rule shall prohibit a judge of said Court from transferring a case from that Court to the other as allowed by statute, or rule of trial procedure, or to ensure an even distribution of judicial workload between the courts of record in the county.

(E) RE-FILED CASES

Except when a change of venue is necessary, whenever a case is dismissed by action of the originating party, the case, if re-filed, must be assigned to the same court that received the original case.

(F) ANNUAL REVIEW OF CASELOAD ALLOCATION PLAN

On or before May 1 of each year the Judge of the Circuit Court and the Judge of the Superior Court shall meet to review the Weighted Caseload Measures statistics as calculated by the Division of State Court Administration for the preceding calendar year to determine whether any changes in the caseload allocation plan should be made.

**LR66-CR 2.2-01 ASSIGNMENT OF CRIMINAL CASES PURSUANT TO
CRIMINAL RULE 2.2**

(A) All cases where in the most serious charge is Murder or a Class A, B, or C felony shall be filed in the Pulaski Circuit Court, except for charges in relation to violations of IC 9-30-10-17 (operating a vehicle after lifetime suspension), which shall be filed in the Pulaski Superior Court.

(B) All violations of IC 35-46-1-4 (neglect of a dependent and child selling) and 5 (non-support of a child), and as may be amended or recodified shall be filed in the Pulaski Circuit Court.

(C) Any misdemeanor or felony committed by a person less than eighteen (18) years of age which is currently excluded from the definition of delinquent act shall be filed in the Pulaski Circuit Court.

(D) Infractions committed by a person less than eighteen (18) years of age that are driving offenses involving alcohol or drugs shall be filed in the Pulaski Circuit Court. All other infractions shall continue to be filed in the Pulaski Superior Court.

(E) In the event a case charges both felony and misdemeanor offenses, the case shall be considered a felony for the application of this rule. Furthermore, in the event a case charges various degrees of felonies, the case shall be considered a felony of the highest degree charged for the application of this rule.

(F) All cases wherein the most serious charge is a Class D felony shall be assigned to the Pulaski Superior Court. All misdemeanors shall be assigned to the Pulaski Superior Court.

(G) Once assigned, a case cannot be reassigned to another judge if the second filing is based on the same underlying incident.

LR66-CR2.2-02

SELECTION OF SUCCESSOR JUDGES IN CRIMINAL CASES

Upon the granting of a change of judge or the disqualification or recusal of the judge in a felony or misdemeanor case in Pulaski Circuit Court, the case shall be assigned to the Pulaski Superior Court, but if the judge of the Pulaski Superior Court cannot accept jurisdiction of the case, the case shall be reassigned to one of the following courts on rotating basis: Cass Circuit Court, Cass Superior Court 1, Fulton Superior Court, Starke Circuit Court, Jasper Superior Court, White Circuit Court, and White Superior Court. The same procedure shall be followed if there is a change of judge, disqualification or recusal of the judge of the Pulaski Superior Court, and if the judge of the Pulaski Circuit Court cannot accept jurisdiction, the case shall be reassigned on a rotating basis to one of the courts as described above.

**SELECTION OF A SPECIAL JUDGE IN CIVIL CASES
PURSUANT TO TRIAL RULE 79(H)****A) Cases involving a change of judge**

In the absence of an agreement as to a particular special judge [TR 79(D)], or an agreement to have the regular sitting judge appoint a special judge [TR 79(E)], the regular sitting judge shall name a panel pursuant to TR 79(F) consisting, whenever possible, of the other Pulaski County judge and senior judges assigned to the court. If the other Pulaski County judge or a sufficient number of senior judges assigned to the court does not exist, then a panel shall be named including the available Pulaski County judge and senior judges assigned to the court, judges and magistrates from within the Administrative District, and judges and magistrates from outside the Administrative District, but from contiguous counties that have agreed to serve as a special judge.

If none of the above methods produce a special judge, the clerk of the court shall select a special judge (on a rotating basis) from an alphabetical list of judges and magistrates eligible under Trial Rule 79(J) from Starke and Newton County.

In cases in which no judge is eligible to serve as special judge or the particular circumstance of a case warrants selection of a special judge by the Indiana Supreme Court, the regular sitting judge may certify the case to the Supreme Court for appointment of a special judge.

B) Cases involving recusal or disqualification of a judge

In the absence of an agreement as to a particular special judge [TR 79(D)], or an agreement to have the regular sitting judge appoint a special judge [TR 79(E)], the clerk of the court shall select a special judge (on a rotating basis) from an alphabetical list of judges or magistrates eligible under Trial Rule 79(J) from Starke, Newton and Jasper County.

In cases in which no judge is eligible to serve as special judge or the particular circumstance of a case warrants selection of a special judge by the Indiana Supreme Court, the regular sitting judge may certify the case to the Supreme Court for appointment of a special judge.